

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE MILOS LITIGATION

: 08 Civ. 06666 (LBS) (KNF)

: **AFFIRMATION OF LOUIS PECHMAN**

: **ECF Case**
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Louis Pechman, an attorney duly admitted to practice in the state of New York, declares as follows:

1. I am an attorney admitted to practice before this Court and a partner in the firm of Berke-Weiss & Pechman LLP ("BWP"). BWP, along with co-counsel Joseph Herzfeld LLP, represents plaintiffs in the above-captioned matter. This Affirmation is submitted in support of plaintiffs' Motion for Collective Action Certification and Class Certification.

2. BWP is a law firm that represents both employees and management in a wide variety of employment law issues, including, *inter alia*, claims of discrimination and harassment based on sex, race, disability, or age, retaliation, First Amendment retaliation, claims of wage and hour and overtime, and claims concerning union-management issues.

3. Since graduating from Fordham Law School 25 years ago, I have specialized in labor and employment law. Before co-founding BWP with Laurie Berke-Weiss in 1996, I was an attorney at three New York law firms: Skadden, Arps, Slate, Meagher & Flom LLP, Vladeck, Waldman, Elias & Engelhard, P.C., and Lambos & Giardino. I also worked as an in-house labor counsel at the *Daily News* and as a Field Examiner with the National Labor Relations Board.

4. I have been active in the labor and employment committees in various bar associations, and since 1996 have moderated a program at the New York County Lawyers' Association on "Handling Employment Discrimination Cases." Ms. Berke-Weiss is a past President of the New York Women's Bar Association.

5. Since the founding of BWP in 1996, we have focused our practice on labor and employment law. I have handled such cases from intake to settlement, motion practice, and trying them to a conclusion. BWP is "A-V" rated by Martindale-Hubbell, and Ms. Berke-Weiss and I were selected by our peers for inclusion in *The Best Lawyers in America* 2008, and were selected for inclusion in the 2008 edition of *New York Super Lawyers*.

6. Over the past three years, I have filed several class and collective actions on behalf of workers employed in the New York restaurant industry, in addition to a number of individual actions. *See, e.g., Duchene v. Michael Cetta, Inc. d/b/a Sparks Steak House*, No. 06-CV-4576 (PAC), 2007 U.S. Dist. LEXIS 44984 (S.D.N.Y. June 18 2007) (certifying case as FLSA collective action and Rule 23 class action and appointing BWP as class counsel); *Dumitrescu v. Mr. Chow Enters., Ltd.*, No. 07-CV-3601 (PKL), 2008 U.S. Dist. LEXIS 49881 (S.D.N.Y. June 30, 2008) (authorizing case to proceed as FLSA collective action); *Khalil v. The Original Homestead Restaurant, Inc.*, No. 07-CV- 695 (RJH), 2007 U.S. Dist. LEXIS 70372 (S.D.N.Y. Aug. 9, 2007) (conditionally certifying FLSA collective action of restaurant workers).

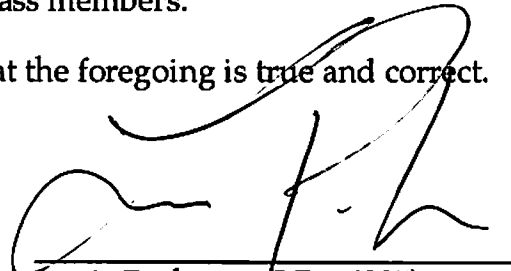
7. BWP is well suited, skilled, and capable of handling class action litigation of wage and hour actions. BWP is also willing and able to commit the necessary resources to represent the class.

8. Annexed hereto as Exhibit A is a copy of the Consolidated Amended Complaint filed in this action.

9. Annexed hereto as Exhibit B is a copy of the proposed notice of the class and collective action to be sent to potential class members.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: New York, New York
May 20, 2009



Louis Pechman (LP - 6395)